

### Amendments to the Specification

Please replace the paragraph at page 7, beginning at line 2, under the heading SUMMARY OF THE INVENTION with the following:

According to the invention, there is provided a hybrid maize plant, designated as 39W54, produced by crossing ~~four~~ three Pioneer Hi-Bred International, Inc. proprietary inbred maize lines (GE541031 \*  $\equiv$  GE533274 x GE533275) x GE492318. These lines, deposited with the American Type Culture Collection, (ATCC), Manassas, Virginia 20110, have accession numbers ~~\_\_\_\_\_~~, ~~\_\_\_\_\_~~, ~~and \_\_\_\_\_~~, ~~and \_\_\_\_\_~~, PTA-4290, PTA-4284, PTA-4285 and PTA-4277, respectively for GE541031, GE533274, GE533275, and GE492318, respectively. This invention thus relates to the hybrid seed 39W54, the hybrid plant produced from the seed, and variants, mutants and trivial modifications of hybrid 39W54. This invention also relates to methods for producing a maize plant containing in its genetic material one or more transgenes and to the transgenic maize plants produced by that method. This invention further relates to methods for producing maize lines derived from hybrid maize line 39W54 and to the maize lines derived by the use of those methods. This hybrid maize plant is characterized by very early high yield.

Please replace the paragraph at page 15, beginning at line 23, with the following:

Pioneer Brand Hybrid 39W54 is a ~~single~~ three-way cross, yellow endosperm, dent maize hybrid. Hybrid 39W54 has a relative maturity of approximately 73 based on the Comparative Relative Maturity Rating System for harvest moisture of grain.

Please replace the paragraph at page 40, beginning at line 2, under the heading DEPOSITS with the following:

~~Applicant has~~ Applicant(s) have made a deposit of at least 2500 seeds of ~~Hybrid Maize Line~~ hybrid maize plant 39W54 and inbred parent plants (GE533274 x GE533275) x GE492318 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Va. 20110-2209 USA, ATCC Deposit Nos. PTA-4268, PTA-4284, PTA-4285 and PTA-4277, respectively. The seeds deposited with the ATCC on May 3, 2002, May 6, 2002, May 6, 2002, May 6, 2002 and May 6, 2002, respectively were taken from the deposit maintained by Pioneer Hi-Bred International, Inc., 800 Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340, since prior to the filing date of this application. Access to this deposit will be available

during the pendency of the application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. Upon allowance of any claims in the application, the Applicant(s) will make available to the public ~~without restriction-a~~, pursuant to 37 C.F.R. § 1.808, sample(s) of the deposit of at least 2500 seeds of hybrid maize plant 39W54 and inbred parent plants (GE533274 x GE533275) x GE492318 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209. This deposit of seed of hybrid maize plant 39W54 and inbred parent plants (GE533274 x GE533275) x GE492318 will be maintained in the ATCC Depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. ~~The seeds deposited with the ATCC will be taken from the same deposit maintained at Pioneer Hi-Bred and described above.~~ Additionally, Applicant(s) will ~~meet~~ have satisfied all the requirements of 37 C.F.R. §§ 1.801 - 1.809, including providing an indication of the viability of the sample when the deposit is made upon deposit. ~~This deposit of Hybrid Maize Line 39W54 will be maintained without restriction in the ATCC Depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it ever becomes nonviable during that period.~~ Applicant(s) have no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant(s) do not waive any infringement of its rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.).